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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In the South Carolina Supreme Court

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APPEAL FROM CHARLESTON COUNTY  
R. Markey Dennis, Jr., Circuit Court Judge

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Appellate Case No. 2015-001505

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JOHN DOE 2 .....Appellant

v.

THE CITADEL ..... Respondent

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MOTION OF THE WOMEN’S AND CHILDREN’S ADVOCACY  
PROJECT AT NEW ENGLAND LAW|BOSTON FOR LEAVE TO FILE  
BRIEF AS AMICUS CURIAE IN SUPPORT OF  
PETITION FOR WRIT OF CERTIORARI

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December 26, 2017

Now comes the Women's and Children's Advocacy Project (WCAP) pursuant to Rule of Appellate Practice 213, and hereby moves for leave to file an amicus brief in this matter. In support thereof, WCAP submits that it seeks to advance arguments not previously adequately addressed by the parties, on behalf of women as a class and persons subject to sex discrimination, whose rights and interests are at stake in this litigation.

The WCAP is a public interest law project of the Center for Law and Social Responsibility at New England Law|Boston. The WCAP engages in direct litigation, and submits amicus briefs in state and federal court on behalf of the rights and interests of abused women and children. The WCAP seeks to submit a brief in this matter on behalf of women as a class because this Court is poised to address whether the lower appellate court erred in holding that the class of people protected by Title IX includes only students and participants in educational programs and activities, rather than all "persons" subject to sex discrimination.

This is a critically important issue for women, girls, and all persons subject to serious sex-based civil rights injuries when they occur in connection with education in South Carolina, and around the country. The lower appellate court ruled that Title IX only covers individuals who are actively students or participants in a particular school's educational

programs. This ruling is problematic for many reasons, including that it ignores the separate nature of Title IX's access to education and anti-discrimination provisions, and permits discrimination when it occurs in connection with education by excluding people such as family members of students, guests, prospective students, friends from nearby institutions, etc. Such individuals are entitled to the same legal protections as enrolled students not only because civil rights laws are designed to prevent class-based harm, but also because Title IX is explicitly written to cover "persons," not "students."


WCAP's proposed amicus brief is submitted herewith, and is offered to assist the court because the parties did not adequately address the issue previously, on behalf of the interests of women, girls, and others at risk for sex-based harms that occur in connection with education.

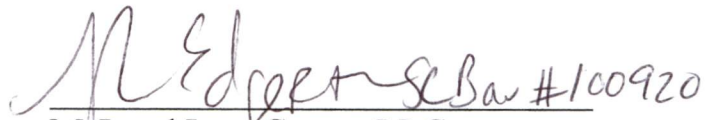
**Conclusion**

For the foregoing reasons, the WCAP respectfully requests that this Court grant its motion for leave to file brief as *amicus curiae*.

Respectfully submitted,


Counsel for amicus,

  
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**CERTIFICATE OF SERVICE**

Amicus hereby certifies that service of this motion was originally made on all parties of record on October 31, 2017; and another copy of the foregoing was again served on all parties of record by first class mail on December 26, 2017.

  
Wendy Murphy

Dated: December 26, 2017

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